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SERVICE DATE - AUGUST 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 583X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN OHIO COUNTY, WV

Decided: August 23, 2001

On November 1, 2000, CSX Transportation, Inc. (CSXT) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a portion of its line of railroad in the Central Region, known as its Allegheny Division, Ohio River Subdivision, extending from milepost BN-63 to milepost BN-2.51, a distance of 1.88 miles in Wheeling, Ohio County, WV. A notice instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b) was served and published in the Federal Register on November 21, 2000 (65 FR 69992).

In a decision served February 16, 2001, the petition for exemption was granted, subject to standard labor protective conditions and an historic preservation condition requiring CSXT to consult with the West Virginia Division of Culture and History and to retain its interest in and take no steps to alter the historic integrity of the line proposed for abandonment until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On July 11, 2001, CSXT forwarded to the Board's Section of Environmental Analysis (SEA) a letter the railroad received from the West Virginia Deputy State Historic Preservation Officer (WVSHPO) and a copy of a Memorandum of Agreement (MOA) executed by the WVSHPO and CSXT concerning the section 106 historic preservation condition imposed in this proceeding. WVSHPO states that the stipulations of the MOA have been met. SEA indicates that the executed MOA completes the section 106 process. SEA therefore recommends that the section 106 condition imposed in the February 16, 2001 decision be removed.

Accordingly, the proceeding will be reopened, and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served February 16, 2001, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary